S.B. CIVIL MISC. APPEAL NO.281/2007.
(Kalu Lal & Ors. Vs. Mohd. Danish & Ors.)

Date of Order :: 19th January 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.Manish Pitaliya, for the appellants.

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For quantification of compensation to be awarded to the husband, one married daughter and three minor unmarried daughters of about 33 years old vehicular accident victim Smt. Laxmi, the Tribunal has noticed the submissions of the claimants of her earning about Rs.5,000/- from labour and agriculture; but for want of any cogent corroborative evidence, has taken her as a house-wife and her notional income at Rs.1,500/- per month; and after deducting one-third wherefrom and with application of multiplier of 17, has assessed pecuniary loss at Rs.2,04,000/-; and while allowing Rs.10,000/- each to the husband and three minor daughters and Rs.6,000/- to the married daughter towards loss of love, affection and services of the deceased; and further Rs.8,000/- to the husband towards loss of consortium and Rs.2,000/- towards funeral expenses, has made the award in the sum of

Rs.2,60,000/-. The claimants seek enhancement in this appeal.

Having heard learned counsel for the appellants and having examined the award impugned, this Court is satisfied that the Tribunal has taken a reasonable and rather compassionate view of the matter and despite finding that the deceased was a house-wife, has taken the figure towards notional income of the deceased at Rs.1,500/- per month, that is Rs. 18,000/-per annum and has assessed pecuniary loss with application of multiplier of 17 after normal deduction of one-third. The Tribunal has then allowed Rs.54,000/- towards non-pecuniary loss that could only be said to be rather on the higher side. The award in question cannot be said to be too low or grossly inadequate so as to warrant interference in appeal at the instance of the claimants.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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